Crown Employees Grievance Settlement Board

2015-2016 to 2016-2018 Business Plan

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Crown Employees Grievance Settlement Board

Executive Summary

This is one of two business plans which present the strategy of the Public Service Appeal Boards, the Crown Employees Grievance Settlement Board and the Public Service Grievance Board, to fulfill their mandates required by legislation, to ensure the highest possible level of customer service, and to set standards of excellence in relation to the Boards' overall efficiency, economy and effectiveness.

The GSB is classed as an adjudicative agency accountable to the legislature through the Minister of Labour.

The Board has a signed Memorandum of Understanding that sets out the roles and responsibilities and accountability and reporting relationship between the GSB and the Ministry of Labour.

The Chair of the Grievance Settlement Board is a part-time position appointed by Order in Council. The Vice Chairs are also appointed by Order in Council. The Registrar is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters and the day-to-day operation of the Board. The Chair and the Registrar are jointly responsible for policy matters.

The GSB has a partnership agreement with its client group to fully implement the requirements of the *Crown Employees Collective Bargaining Act*. Some of the aspects of its operations are decided at Governance Council meetings. The Chair and the Registrar are accountable to the client group regarding GSB administration and policy issues.

The Grievance Settlement Board is viewed by its clientele to have integrity and neutrality. The GSB's integrity is preserved by its physical location, separate from other government agencies other than the PSGB and by the fact that the GSB utilizes the services of adjudicators who are prominent and well respected in the private sector labour relations community.

The GSB is seeking to further aid its clientele to develop a constructive relationship in matters related to labour relations in the public sector. The Board provides expertise in dispute resolution and adjudication through the supply of services, research material and jurisprudence relevant to the public sector. When third party intervention is needed, the Board provides mediation or in the alternative, diverse, expeditious, and inexpensive methods of adjudication and dispute resolution.

The overall objective of the Board is to provide dispute resolution services and improve labour relations within the Ontario Public Service. This promotes harmony and stability in the workplace that are vital for a prosperous and productive economy. The Board educates its clientele on the interpretation of collective agreements by providing timely, clear, concise decisions. The Board also provides advice and guidance to the parties in

relation to various dispute resolution methods. In addition, the Board conducts seminars and training for its Vice Chairs and client group.

The Crown Employees' Grievance Settlement Board is funded as a budget item of the Ministry of Labour. The Crown employers and the trade unions representing Crown employees each share the costs of the GSB with the Crown employers paying one half and the trade unions paying the other half. The GSB has consistently recovered all of its expenditures since 1996. The GSB staff provide services to the PSGB and expenditures made on behalf of the PSGB are recovered and refunded to the GSB.

The GSB is linked to the government's priority: to promote jobs and economic growth by providing effective and cost-efficient resolution of disputes within the OPS, which contributes to a modern, efficient and effective workplace.

Crown Employees Grievance Settlement Board

GSB Mandate

The Grievance Settlement Board (the "Board") was established by section 20 of the *Crown Employees Collective Bargaining Act, 1972, S.O. 1972, c.67* and is continued by section 46 of the *Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.38*, as amended by S.O. 1995, c. I (CECBA). It is composed of a Chair; one or more Vice Chairs and an equal number of members representing the Crown employees that are represented by a trade union and members representing the Crown in right of Ontario. 1993, c. 38, s. 47 (2)
The Board exercises the powers and performs the duties conferred upon it by the CECBA. Subsection *7(3)* of the CECBA provides that:

> **7.** (3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement including any question as to whether a matter is arbitral. 1993, c.38, s. 7 (3).

GSB Mission Statement

To provide expeditious and appropriate dispute resolution services for grievances arising under the collective agreements between Crown employers and Unions representing Crown employees in order to resolve disputes and promote harmonious labour relations in the Ontario Public Service.

GSB Strategic Direction

In a 100% cost recoverable environment the Board promotes and builds harmonious labour relations in the Ontario Public Service through a variety of services. The agency resolves disputes in a timely, cost efficient manner to enhance productive relationships in the workplace. The Board also provides information and educational services.

The Board will meet monthly with the parties to schedule mediation, mediation/arbitration and arbitrations. The agency will provide timely, clear, concise decisions on the interpretation of the collective agreements. Each quarter stakeholder meetings will be held. The GSB will continue to work with the stakeholders to provide detailed information about grievances, caseload, and work to assist them with alternative dispute resolution methods and educational services to bring about a harmonious labour relations environment in the Ontario Public Service.

Crown Employees Grievance Settlement Board

Overview of Programs and Activities

The Grievance Settlement Board provides dispute resolution services to the Crown Employers and its unionized employees represented by the following unions: Ontario Public Service Employees Union (OPSEU), Association of Management Administrative and Professional Crown Employees of Ontario (AMAPCEO), Professional Engineers Government of Ontario(PEGO), Canadian Union of Public Employees, Local 1750 (CUPE), Amalgamated Transit Union, Local 1587 (ATU), Labourers' International Union of North America, Local 506 (LIUNA), United Steelworkers (USW), Workers United Canada Council (WUCC), Canadian National Federation of Independent Unions , Local 3033 (CNFIU), International Association of Machinists and Aerospace Workers, District Lodge 78, Unite Here, Local 75.

The part-time Chair and Vice Chairs, all of whom also practice in the private sector, along with the full-time Registrar and staff, provide services that are shaped by and are responsive to the changing needs of the parties they serve.

This stage of the Grievance Settlement Board's history is marked by a dramatic and fundamental change in the way that it does business. In the past, the primary method of dispute resolution was through arbitration, with mediated settlements being the exception. At the present time, it is the exceptional case that is resolved through traditional arbitration, with the vast majority of cases being resolved through mediation.

The mediation skills of its Vice Chairs are evidenced by the fact that consistently over 80 per cent of cases closed are resolved through mediation.

The key core process employed at the Grievance Settlement Board is "Appropriate Dispute Resolution Process" (ADR) as distinguished from Alternative Dispute Resolution. The Board employs three methods of dispute resolution:

- mediation
- mediation/arbitration
- arbitration

The Board's administrative processes have been designed to facilitate the Board's appropriate dispute resolution efforts. Each of the following processes is integral to the ADR process by which the Board fulfills its mission statement and mandate.

OVERVIEW OF PROGRAMS & ACTIVITIES
ADR PROCESS

	Work Processes	Client Benefit/Impact	Strategic Outcome
Mediation and/or Mediation/ Arbitration (Med/Arb)	**Grievances resolved through the efforts of a Vice Chair by:** • Mediation, or • Mediaton/arbitration.	Promotes cooperation and early resolution of grievances/disputes. Eliminates or reduces the need for adjudication and reduces costs. Provides consistent, timely advice and guidance to both parties in the settlement of specific disputes. Provides positive suggestions to both parties with respect to the appropriate resolution methods to be used in any given circumstance.	**Reduced costs.** **Improved use of resources.** **Improved labour relations.**
	Mediation by Institution: • Multiple grievances mediated over a period of 2 days by a single Vice Chair.	Multiple cases can be scheduled on any given day. Saves time, money and resources. Provides for a flexible method of resolving grievances without precedent or prejudice. Utilizes the high level of labour relations expertise possessed by the Vice Chairs.	**Reduced costs.** **Improved use of resources.** **Improved labour relations.**

	Work Processes	Client Benefits/Impact	Strategic Outcome
Arbitration	**Grievances disposed of by:** • Arbitration in formal hearing; • The issuing of a decision.	Provides impartial and independent adjudication of disputes, consistent with the principles of natural justice. Provides timely, clear, concise decisions on the interpretation of the collective agreements.	Sets precedents on the interpretation of the collective agreements. Guides the parties on the application and administration of the collective agreements. Improved labour relations. Final and binding resolution of grievances.
Information and Education	**Information & Educational Services provided by:** • The dissemination of information and decisions by electronic or other means. • Seminars and workshops. • Providing timely, clear, concise decisions and advice.	As the repository of labour relations grievance history in the Ontario Public Service, the Board provides access as required to a valuable library of information to all interested parties. Guidance to the parties on the application and administration of their collective agreements. Information and educational opportunities regarding dispute resolution. A resource of arbitral jurisprudence. Statistical information that improves case management. Training and educational opportunities for staff and Vice Chairs.	A knowledgeable client group. Improved case management. Improved labour relations.

Crown Employees Grievance Settlement Board

Stakeholder-Third Party Report

Subsection *47(1) of the Crown Employees Collective Bargaining Act* states that; "Subject to the specific requirements in this section, the composition and administration of the Grievance Settlement Board shall be determined by the agreement of the Crown in right of Ontario and the trade unions representing Crown employees...". For this purpose the Crown and the trade unions have entered into an agreement known as the "Partnership Agreement to Facilitate the Governance of the Grievance Settlement Board", hereinafter referred to as the "Governance Agreement".

Pursuant to this provision the Crown employers and the Unions representing Crown employees have entered into agreements. The Partnership Agreement establishes a framework for the operation of Governance Council. The Chair of the Board serves as Chair of the Governance Council. The Governance Council, in accordance with CECBA, exercises the authority as provided for in the Governance Agreement. The Governance Agreement also establishes a sub-committee known as the Financial Advisory Committee to consider and review the financial and administrative costs of the Board (See the attachment titled, "Partnership Agreement ..." for the role of the Governance Council).

Quarterly meetings are scheduled to select and renew Vice Chairs, review issues, review policies, funding and scheduling of special events such as educational seminars.

Crown Employees Grievance Settlement Board

Environmental Scan

Internal Factors:

- Request for Business Planning and in year initiative looking at different service delivery options for GSB.
- The continued need to improve the overall efficiency, effectiveness and economy in the
  resolution of disputes through:
  - The use of technology to achieve administrative efficiency, effectiveness and economy.
  - A desire to manage the case load and deliver services electronically.
  - Electronic reporting of information.
  - Improving administrative efficiency.
- There is ongoing need for the GSB to assist unions and Crown employers to better manage their caseload and prevent a backlog of grievances.
- The dispute resolution method of choice continues to be mediation/arbitration rather than adjudication. However, different and flexible methods of ADR are continually explored to maintain and increase efficiency, effectiveness and economy.
- The case management system continues to:
  - Increase staff productivity through a drastic reduction in paperwork.
  - Increase response time in scheduling continuations and follow-up.
  - Increase integrity and accuracy of information.
  - Enable the Board to share information between clients' computer systems and to compare records/study trends/activities of grievances in regions/ministries.
  - Provide numerous reports to clients in a flexible delivery format including html and Excel.
- The Government requirement to report performance measures annually that ensures efficiency, effectiveness and economy.
- As a result of changes to the payment policy Vice Chairs are no longer willing to travel. The exception being to address any special circumstances such as an accommodation or the need to take a view of a location. Also all matters relating to hearings held at MCSCS/CYS/LCBO institutions/Jails/Youth Facilities/Warehouses, will continue to be held at those locations.

Crown Employees Grievance Settlement Board

External Factors:

- Changing expectations of the client group:
  - The clients expect the Board to be more of a dispute resolution agency rather than simply an adjudicative agency.
- The GSB is working closely with the high volume clients of the Board to effectively manage their caseload; sharing data between all parties to develop strategies for effective and efficient management of grievances.
- The client group considers economics of case resolution.
  - A user pays system affects the user's approach to dispute resolution before and after the case is filed with the Board because of the impact on their internal budgets.
- Ruling on CPP
  - Concern regarding the ruling on CPP and obligation to pay GSB VCs.

Crown Employees Grievance Settlement Board

Key Strategies

Board Goals and Objectives

To enable vital public services to be delivered to Ontarians through effective independent resolution of disputes, thereby promoting harmony and stability in the workplace which contributes to a productive, efficient and accountable workplace. The following specific goals and objectives of the Board have been identified:

To provide the necessary environment and tools to encourage harmonious labour relations between the Ontario Public Service (OPS) and its Unions by reducing the number of grievances between the parties. This would be accomplished by:

Providing timely, clear, concise decisions;

Providing consistent, timely advice and guidance to both parties in the settlement of specific disputes;

Providing positive suggestions to both parties as to the appropriate dispute resolution methods to be used in any given circumstance;

Providing employers with immediate notice of grievances, as they are received, to encourage resolution, if possible;

Providing timely statistical information to both parties regarding grievance activity to help identify emerging trends and enable the parties to better deal with labour relations issues.

To reduce costs and improve financial reporting to the Client Groups, Ontario Shared Services and the Ministry of Labour by:

Monitoring, reviewing and adjusting GSB processes to ensure efficiency, effectiveness and economy.

Managing the caseload and deliver services electronically.

As the repository of labour relations grievance history in the Ontario Public Service, to provide access as required to this valuable library of information to all interested parties through electronic means.

Providing education and training opportunities for staff and Vice Chairs that contribute to efficiency, effectiveness and expeditious resolution of disputes between the parties by:

Enhancing skills of the Vice Chairs to meet the changing expectations of the client group.

Enhancing skills of the staff to meet the required administrative efficiency, effectiveness and economy.

Providing educational opportunities to the client group to promote cooperation, shared values and a mutual commitment to constructive labour relations through:

Seminars and workshops.

Providing timely, clear, concise decisions and advice.

To be cognizant of the potential for program review of the Grievance Settlement Board in planning.

Crown Employees Grievance Settlement Board

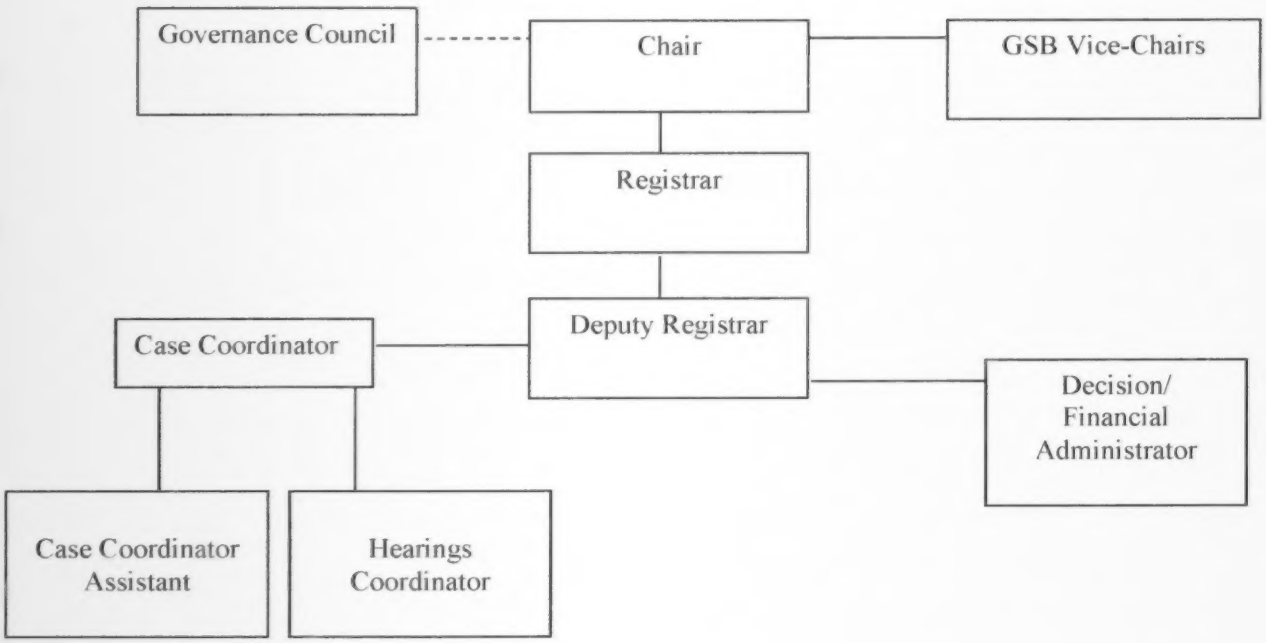
2015-16 Human Resources Plan

The Chair of the Grievance Settlement Board is a part-time position appointed by Order-in-Council (OIC). The Board also has thirty-three OIC appointed Vice Chairs who are also part-time. The Registrar is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters and the day-to-day operation of the Board. The GSB has four support staff that report to the Registrar through the Deputy Registrar. The following organizational chart provides a complete breakdown of the organizational structure of the Board.

The Grievance Settlement Board has a workforce of two managers and four support staff.

The delivery of more services by electronic means will require additional skills. This may include extra training for the present staff, which will be handled within the Board's current budget.

Organizational Chart -GSB



Human Resources Issues for the GSB

The fluctuating workload and the case management system will require continued organizational review, a change in skills, abilities and additional training.

Recruitment

- The GSB's staff is currently at full complement although the retirement of 2 staff in the first quarter of 2015 is anticipated. All staff are cross-trained and each position has a current job description. All staff have up to date job procedures manual at their workstations.
- We are reviewing the 2 positions that will be vacated. assessing the job descriptions and starting to lay the ground work for recruitment.

Training/Learning

The Grievance Settlement Board has developed learning plans with each of its employees. The strategic objective is to establish an environment in which there is shared commitment among the staff for continual, competency driven learning, based on business objectives of the GSB. The Board presently uses learning opportunities such as cross-training, mentoring, developmental opportunities, project teams and formal training for its full-time staff. Learning opportunities are also created for the OIC appointed Vice Chairs.

In 2015-16 the GSB will:

- Continue to develop individual learning plans with each full-time employee to promote individual growth and address identified skill gaps.
- Provide training for the current staff in regard to the case management system enhancements.
- Provide learning opportunities for the OIC appointed Vice Chairs.

Retention

The strategic objective of this priority will be to remain the employer of choice with a positive and supportive workplace environment, one which models the key elements of the GSB's mandate, where staff are motivated to excellence and recognized for their contributions.

In 2015-16 the GSB will:

- Reinforce change management strategies with staff as the Board continues to review and enhance the case management system.
- Through discussion with the staff, reconfirm the values of the organization.
- Promote employee recognition as a means of reinforcing the contributions of our staff.

- Establish effective orientation as a critical employee first experience exercise.

Related Strategies for the GSB Human Resources

Organizational Design

The GSB faces ongoing pressure to continually review and re-align its services in keeping with the changing expectations of its client group and its ability to deliver these services by more efficient, effective and economical methods.

The strategic objective is to respond in a timely and effective manner to the client group, the fluctuating caseload and internal needs for organizational change.

In 2015-16 the GSB will:

- Continue to map its processes for the purposes of defining workflow, evaluation and review.
- Provide an effective organizational response to the design and continued enhancements to the case management system.
- Respond to the fluctuating workload through the automation of tasks within the case management system.
- Provide an effective organizational response to the changing requirements of the client group by continuing to consult with them on their needs and respond appropriately.

Performance Management

In order to ensure consistency in quality of service provided by the staff, the Board needs to be confident in the performance of its staff. Performance that is reviewed and measured is a tool for gauging how well the organization is providing service to its clients.

The strategic objective is to require all staff to undertake an annual review of their performance based upon expectations that are tied to the performance of their position.

In 2015-16 the GSB will:

- Conduct a performance review with each employee.
- Develop and implement practical performance targets for each position.
- Link performance reviews to individual learning plans.
- Incorporate the operational requirements into the performance review process.

Electronic Service Delivery Plan

The GSB continues to utilize technology to improve its customer service and meet the needs of its client group through the case management system by:

Managing the case load and delivering services electronically;

Providing employers with faster notice of new grievances received at the Board to allow for early resolution, if possible;

Providing timely statistical information to both parties regarding grievance activity. This will enable the parties to better deal with labour relations issues, improving labour relations in the OPS;

Reducing costs and improving financial reporting to Client Groups, Ontario Shared Services and the Ministry of Labour;

Providing appropriate training in regard to the case management system to ensure efficiency, effectiveness and economy;

Fulfilling the Board's role as the repository of labour relations grievance history in the Ontario Public Service, to provide access as required to this valuable library of information to all interested parties.

The GSB is well on its way to implementing its strategy for delivering service through increased use of technology.

To date the Board;

Maintains a website which provides online information about the Board and links to our stakeholders;

Releases its decisions in PDF format to its client group by e-mail, which reduces costs and speeds up services to the clients;

Publishes its decisions and judicial review information each Monday to a newsgroup and its Vice Chairs to ensure that the current jurisprudence of the Board is available to the users of the GSB;

Publishes its decisions on DVD;

Has implemented a case management system, scanning of incoming case related documents, electronic notifications to parties and Vice Chairs, and electronic delivery of reports in various formats including excel or word;

Received all OPSEU grievances electronically, drastically increasing efficiencies for staff data processing.

Implemented a wifi environment for its clients attending the Board to allow for the efficient use of at hand resources.

Will be offering the use of Skype and Webex to provide remote location access to Board arbitration/mediation processes.

Refined and designed business processes with descriptions of the activities within each process step, and identified an I/T enabler for these activities.

Provides financial information to its client group and Ontario Shared Services in electronic format for the convenience of its client group and to expedite the recovery of its expenditures.

The Upgrade to FileMaker 13 is to be completed and the Board will continue to exploit the benefits of the case management system (electronic case processing), continued publication of the Board's decisions by electronic means, providing financial information in electronic format.

Communications Plan

The GSB will continue to communicate with its clients and stakeholders through the Governance Council and other methods as required.

Appendix A – Resources

GRIEVANCE SETTLEMENT BOARD

Appendix A - Multi-Year Preliminary Planning Base

		FY 2015-16 ($000)									
Program/Region	*FTE*	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Grievance Settlement Board	*6.0*	426.8	63.5	176.4	1,816.2	23.2	2,015.8		2,506.1	(1,271.1)	1,235.0
Program Sub-total	*6.0*	426.8	63.5	176.4	1,816.2	23.2	2,015.8	-	2,506.1	(1,271.1)	1,235.0
Lease					248.6		248.6		248.6		248.6
NET TOTAL	***6.0***	**426.8**	**63.5**	**176.4**	**2,064.8**	**23.2**	**2,264.4**	**-**	**2,754.7**	(1,271.1)	**1,483.6**

		FY 2016-17 ($000)									
Program/Region	*FTE*	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Grievance Settlement Board	*6.0*	426.8	63.5	176.4	1,816.2	23.2	2,015.8		2,506.1	(1,271.1)	1,235.0
							-		-		-
							-		-		
Program Sub-total	*6.0*	426.8	63.5	176.4	1,816.2	23.2	2,015.8	-	2,506.1	(1,271.1)	1,235.0
Lease					248.6		248.6		248.6		248.6
NET TOTAL	***6.0***	**426.8**	**63.5**	**176.4**	**2,064.8**	**23.2**	**2,264.4**	**-**	**2,754.7**	(1,271.1)	**1,483.6**

		FY 2017-18 ($000)									
Program/Region	*FTE*	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Grievance Settlement Board	*6.0*	426.8	63.5	176.4	1,816.2	23.2	2,015.8		2,506.1	(1,271.1)	1,235.0
							-		-		-
							-		-		-
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NET TOTAL	***6.0***	**426.8**	**63.5**	**176.4**	**2,064.8**	**23.2**	**2,264.4**	**-**	**2,754.7**	(1,271.1)	**1,483.6**

Appendix B Multi-Year FTE

2015-16 Agency Business Plan
Baseline by Compensation Group
Multi-year FTE Cap

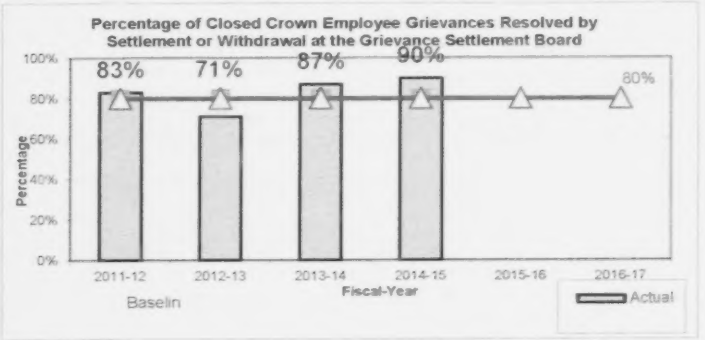
Agency: GRIEVANCE SETTLEMENT BOARD

Compensation Group	2015-16						2016-17						2017-18					
	Regular		Fixed Term		Total		Regular		Fixed Term		Total		Regular		Fixed Term		Total	
	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies
SMG / ITX					0.00	0.00					0.00	0.00					0.00	0.00
MCP	2.00				2.00	0.00	2.00				2.00	0.00	2.00				2.00	0.00
Excluded					0.00	0.00					0.00	0.00					0.00	0.00
OPSEU	4.00				4.00	0.00	4.00				4.00	0.00	4.00				4.00	0.00
AMAPCEO					0.00	0.00					0.00	0.00					0.00	0.00
PEGO					0.00	0.00					0.00	0.00					0.00	0.00
ALOC					0.00	0.00					0.00	0.00					0.00	0.00
OCAA					0.00	0.00					0.00	0.00					0.00	0.00
PSAT					0.00	0.00					0.00	0.00					0.00	0.00
AOPDPS					0.00	0.00					0.00	0.00					0.00	0.00
OPPA					0.00	0.00					0.00	0.00					0.00	0.00
Minister's Staff					0.00	0.00					0.00	0.00					0.00	0.00
OIC					0.00	0.00					0.00	0.00					0.00	0.00
To be Determined					0.00	0.00					0.00	0.00					0.00	0.00
Students					0.00	0.00					0.00	0.00					0.00	0.00
Total	6.00	0.00	0.00	0.00	6.00	0.00	6.00	0.00	0.00	0.00	6.00	0.00	6.00	0.00	0.00	0.00	6.00	0.00
	TOTAL with Funded Vacancies				6.00		TOTAL with Funded Vacancies				6.00		TOTAL with Funded Vacancies				6.00	

Appendix C Performance Measures

Performance Measure: Percent of closed Crown employee grievances resolved by settlement or withdrawal.

Percentage of Closed Crown Employee Grievances Resolved by Settlement or Withdrawal at the Grievance Settlement Board



Agency Contribution

- Through the retention of highly skilled arbitrators/mediators and the proactive work of the Board with its clientele in resolving disputes through mediation rather than arbitration.

Program/Activity Spending Measured

- Provides effective and cost-efficient resolution of disputes within the OPS, which contributes to a productive, efficient and accountable workplace.

What does the graph show?

- The graph shows that for the 2014-15 fiscal (April – September) 90% of closed Crown employee grievances were resolved by settlement or withdrawal at the GSB.
- The DATA Source is from the GSB Case Management System.

2015-16 Commitment and Long-term Target

- Maintain a commitment of 80% of closed cases resolved by settlement or withdrawal.